

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 324**

**Introduced by Senator McClintock**

**(Coauthors: Senators Ashburn, Battin, Cox, and Dutton)**

**(Coauthors: Assembly Members Benoit, Cogdill, DeVore, Huff, Maze,  
and Mountjoy)**

February 16, 2005

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An act to amend Section 8558 of, and to add ~~Sections~~ Section 8557.5 and 14032.3 to, the Government Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 324, as amended, McClintock. Highways: transportation gridlock emergencies.

Existing law authorizes the Governor to proclaim a state of emergency, as defined, in an area affected or likely to be affected by the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by specified conditions.

This bill would include a transportation gridlock emergency, as defined, within the definition of a "state of emergency."

~~This bill would require the Department of Transportation to prepare and submit an annual report to the Governor and the Legislature that contains a list of state highways, in ranking order, based on the average daily vehicle hours of delay, excluding weekends, for the highway.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Congestion Relief Act for the 21st Century.

SEC. 2. Section 8557.5 is added to the Government Code, to read:

8557.5. For purposes of this chapter, a “transportation gridlock emergency” means conditions that require extraordinary state action, including, but not limited to, construction of new highways or highway lanes, in order to relieve traffic congestion that presents a severe threat to the safety and economic well-being of any region in the state. A transportation gridlock emergency may be declared for the purpose of relieving traffic congestion on any highway or segment of a highway for which the Department of Transportation has determined that the average daily vehicle hours of delay, excluding weekends, exceeds 3,000 vehicle hours.

SEC. 3. Section 8558 of the Government Code is amended to read:

8558. Three conditions or degrees of emergency are established by this chapter:

(a) “State of war emergency” means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that an enemy attack is probable or imminent.

(b) “State of emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as a transportation gridlock emergency, air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency,” which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage that requires extraordinary measures

beyond the authority vested in the California Public Utilities Commission.

(c) “Local emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage that requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

~~SEC. 4. Section 14032.3 is added to the Government Code, to read:~~

~~14032.3. The department shall do all of the following:~~

~~(a) Determine the average daily vehicle hours of delay, excluding weekends, for each highway in the state.~~

~~(b) Rank each highway based on average daily vehicle hours of delay, excluding weekends.~~

~~(c) Prepare and submit to the Governor and the Legislature, on an annual basis, a report listing the highways and their rankings.~~